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Security Council

Sixty-fourth year

Provisional

6214th meeting

Friday, 6 November 2009, 10 a.m.

New York

President:	Mr. Mayr-Harting	(Austria)
Members:	Burkina Faso	Ms. Fofana
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Hernández-Milian
	Croatia	Mr. Skračić
	France	Mr. Bonne
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Gebreel
	Mexico	Mr. Heller
	Russian Federation	Mr. Safronkov
	Turkey	Mr. Çorman
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/553)

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09-59689 (E)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2009/553)

The President: I should like to inform the Council that I have received a letter from the Permanent Representative of Nepal, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Acharya (Nepal) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of the Council's provisional rules of procedure to Ms. Karin Landgren, Representative of the Secretary-General and head of the United Nations Mission in Nepal.

It is so decided.

I invite Ms. Landgren to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/553, which contains the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process.

At this meeting, the Security Council will hear a briefing by Ms. Karin Landgren. I now give Ms. Landgren the floor.

Ms. Landgren: The Secretary-General's report before the Council (S/2009/553) is being submitted pursuant to resolution 1879 (2009) of 23 July, which requested him to report, by 30 October, on the implementation of the resolution and on progress in creating conditions conducive to the completion of the activities of the United Nations Mission in Nepal (UNMIN) by the end of the current mandate, including implementation of the commitments made in the Nepalese Government's letter of 7 July (S/2009/360, annex). It surveys recent developments in Nepal's peace process. In brief, while limited progress has been made in the effort to give renewed impetus to the remaining tasks of the peace process, overall the process has faced protracted deadlock, with the added risk of confrontation.

It is three years since the Comprehensive Peace Agreement was signed and 18 months since Nepal's historic elections. The impasse that emerged following the events of May 2009, when the President revoked the Army Chief's dismissal and the Unified Communist Party of Nepal-Maoist (UCPN-M) consequently stepped down from the Government, remains unresolved. Despite continuing efforts, the level of trust among the major parties has continued to dwindle.

Much of the past three months has offered a semblance of calm. Nepal's long festive season coincided with a sharp uptick in meetings among the large political parties and fewer street protests. Now, however, the Maoists — having found no resolution to their grievances, notably on the issue of the President's powers with regard to the Army — have stepped up their disruptive protests, and on 1 November initiated a nationwide protest programme. Talks between the parties are expected to continue, but now, four months after Prime Minister Nepal and Maoist Chairman Pushpa Kamal Dahal "Prachanda" agreed formally to take measures to resolve the stalemate, their talks remain inconclusive.

While the Maoist protests have been predominantly peaceful, the past few days have seen low-level clashes in some eastern districts between the Maoist-affiliated Young Communist League and the Unified Marxist-Leninist Youth Force. In my recent discussions with the Maoist leadership, I have

indicated how seriously we take the potential for confrontation and have urged restraint. In the current climate these protest actions carry a significant risk of confrontation and violence. The Government has placed the security agencies, reportedly including the Nepal Army, on high alert. The 22 governing parties have warned that the agitations are a breach of the Comprehensive Peace Agreement. Some political actors have challenged the continued validity of the peace agreements. There is an urgent need to de-escalate the tensions and to find a framework for taking the peace process forward.

The Secretary-General's report highlights the renewed effort being made to define the modalities for the integration and rehabilitation of Maoist army personnel. The Special Committee charged with the supervision, integration and rehabilitation of Maoist army personnel resumed its work on 1 September. Its Technical Committee has also resumed its work. Concrete progress on integration and rehabilitation is likely to depend on the existence of a favourable political environment. Similarly, a new effort is under way to move forward in the near future to discharge the Maoist army personnel disqualified through UNMIN's verification. On 11 October, Government teams briefed Maoist army personnel in the main cantonment and satellite camps in Sindhuli on the discharge process and on possible support packages. This was the first such contact. The Peace Minister, senior Maoist leaders, UNMIN and the United Nations country team are cooperating to develop the modalities for discharge.

The Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswamy, hopes to return to Nepal before the year is out to assess progress on discharge, which upon full implementation would open the door to removing the Maoists from the Secretary-General's list of parties using children in conflict.

As noted in the Secretary-General's report, the Maoists have blocked the functioning of the legislature for all but one month since May, contending that the President's reinstatement of the Army Chief was unconstitutional. They have unsuccessfully called for Parliamentary discussion on the President's action, as well as measures to rule out a recurrence. It would appear to be in the interest of the democratic process for the parties to agree, pending the promulgation of the new constitution, on the ambit of presidential authority.

Moving forward through consensus is the central challenge of the moment for the parties. As long ago as July 2008 (see S/PV.5938), my predecessor expressed concern at the breakdown of efforts to find consensus on the establishment of a coalition Government. The parties themselves have long recognized the need for a unity Government if the peace process is to be success. The impact on the peace process of a major party's being in opposition, as the Nepali Congress was previously and the Maoists are today, is evident, especially in the absence of other inter-party mechanisms to unite the parties and help address problems. The Maoists represent one party to the peace agreement and are the instrumental partner in the integration and rehabilitation of Maoist army personnel. They also hold close to 40 per cent of the seats in the Constituent Assembly, a decisive proportion in the context of the promulgation of a new constitution.

In July, the Security Council called on the Government (see resolution 1879 (2009)) to continue to take the necessary decisions to create conditions conducive to completion of UNMIN's activities. The mandate of UNMIN, originally designed for supporting the election of the Constituent Assembly, cannot go on indefinitely. The present mandate will expire in 11 weeks. During this period, the parties need to arrest the loss of momentum and invest goodwill, realism and rigour in their pursuit of sustainable peace in Nepal. Until the parties establish a clearer framework for cooperation and find ways of moving forward on major elements of the peace process, it will be difficult to plot a structured exit for UNMIN.

Three years on, a review of progress in the implementation of the major peace agreements may be overdue. The principal parties should also be encouraged to take stock of the state of the peace process. The parties themselves have repeatedly underlined their continued commitment to this process and their intention to see it through to a positive end. It would be tragic if the successes so far were permitted to unravel. Nepali politicians, civil society and commentators repeatedly draw to our attention their ability to produce agreements and consensus at the eleventh hour. It is still possible that these coming days will yield such a breakthrough. We strongly encourage the parties to recall and to repeat the cooperation which has to date yielded such significant achievements.

Let me conclude by expressing, on behalf of the United Nations Missions in Nepal, our warmest

appreciation for Ambassador Madhu Raman Acharya for his efforts, engagement and support in our shared aim. It has been a pleasure to work with him; I thank him and we wish him all the best.

The President: I thank Ms. Landgren for her briefing.

As this would seem likely to be the last time we will be able to hear and meet with the Permanent Representative of Nepal in the framework of the Security Council, I would like to associate myself on behalf of the Council and in my national capacity with Ms. Landgren's statement. Our cooperation with Ambassador Acharya has always been excellent, and we are extremely grateful for the opportunity we have had to work with him in these past years.

I now call on the Permanent Representative of Nepal.

Mr. Acharya (Nepal): At the outset, let me congratulate you, Sir, on Austria's assumption of the presidency of the Security Council for the month. I would like to thank you for organizing this briefing and for the opportunity the Council has given me to speak on behalf of Nepal. I also thank you for your kind words to me. I further thank Ms. Karin Landgren, Representative of the Secretary-General in Nepal, for her kind words.

I would like to thank the Secretary-General for his comprehensive report dated 26 October (S/2009/553) on United Nations assistance in support of the peace process in Nepal, at our request. I would also like to thank Ms. Landgren for her presentation highlighting the major issues and developments since the Council extended the mandate of the United Nations Mission in Nepal (UNMIN) in July.

Nepal's nationally driven peace process is unique in its characteristics. Since it started in June 2006, the peace process has made remarkable achievements and completed several important milestones. The signing of a Comprehensive Peace Agreement in November 2006, successful elections to the Constituent Assembly in April 2008, and the declaration of Nepal as a federal democratic republic in May that year represent some of the singular achievements of the peace process.

The Council is aware that Nepal's most inclusive Constituent Assembly is moving ahead constructively in the task of writing a new constitution, in accordance with the aspiration of the people of Nepal. The constituent parties of the present coalition Government and the political parties outside it have expressed their sincere desire to conclude the task of promulgating a new constitution, reflecting the sentiments of people of all strata of society in Nepal, by May 2010. Various thematic committees of the Constituent Assembly have been seriously engaged in this task, in which there is strong participation and cooperation from all sides. After the election of the Chairman of the Constitutional Committee, which is entrusted with producing a new draft constitution, the task of constitution-making has gained further momentum.

Similarly, the important business of the integration and rehabilitation of the armed personnel of the Unified Communist Party of Nepal-Maoist (UCPN-M) currently living in the cantonments is being undertaken by the statutory Special Committee entrusted with this task. The Committee has been reconstituted, including the representatives of the UCPN-M, and has since been meeting to devise practical guidelines, its programme of work and format of a political agreement on this subject. We are confident that the Special Committee and its Technical Committee will complete the remaining task of reaching an agreement on all issues related to the future of the cantonments. Similarly, there has been significant progress regarding the release of under-age and disqualified armed personnel in the cantonments, and this process is likely to conclude soon, as the Representative of the Secretary-General has just highlighted.

UNMIN has been doing its job in accordance with the mandate of this Council, including in the monitoring of arms and armed personnel, as per our request as stipulated in the peace agreements. It is our intention to conclude the tasks of UNMIN as soon as possible within its mandate, which expires on 23 January 2010. To that end, the Government of Nepal is committed to doing everything in its power, including by reaching the necessary political agreements required for the logical conclusion of the peace process.

In that regard, I would like to refer to a meeting held yesterday, 5 November, among the representatives of the 22 parties that constitute the coalition in the present Government. In that meeting, the parties expressed their commitment to bringing the peace process to a logical conclusion and bringing about a new constitution through the elected Constituent Assembly. They have also asked the UCPN-M to withdraw its continued blocking of the legislative

session of the Constituent Assembly in order to allow the budget to be passed, and to withdraw its agitation programmes, including the blockades of Government offices in other areas, saying that such programmes are against the spirit of the peace agreements. They have also asked the UCPN-M to be flexible towards cooperation and consensus on matters related to the peace process so as to avoid further escalation and confrontation among the parties to the peace process.

With respect to the assessment contained in the report of the Secretary-General of the nature of the Government in Nepal, the constituent parties of the Government are of the view that it is up to the parties and the sovereign legislature in Nepal to decide on the type of Government they desire. They are always open to including all the parties in the Government and have specifically asked the UCPN-M to join the coalition.

The report would have been more balanced if it had taken into account the sincere efforts made by the Government of Nepal in addressing key issues of the peace process and in resolving outstanding issues for creating conducive environment for making further progress thereof. Similarly, it is the view of the Government that the references in the report implying parity between the regular national army and the former rebel combatants living in the United Nations-monitored cantonments, who may have to be either integrated into the security forces or rehabilitated into society and their families, are not likely to facilitate a positive outcome in the ongoing negotiations on the future of the cantonments.

It is important to note that the senior political leaders of major political parties are talking to each other, and it is expected that they will soon reach an agreement to resolve the current impasse in the Legislature-Parliament and to end the street agitation so that they will be able to move forward in the spirit of dialogue and consensus stipulated in the peace agreements.

Despite occasional setbacks, Nepal's peace process has continued to make significant strides. It may sometimes seem like it is moving one step backwards, but it will eventually end up moving two steps forward. That is how we have been able to come this far. We are confident that the same spirit will guide our process to its rational end. In this important process we ask the Security Council to stay the course to help us achieve the desired outcome and to assist us in building on the momentum and progress that we have made so far.

On a personal note, since this will be my last statement in the Council as I will complete my tour of duty as Permanent Representative next week, I would like to thank you personally, Sir, the Austrian delegation, each of the members and representatives who have been working with us, and the Security Council, individually and collectively, for the constructive cooperation and support provided to the peace process in Nepal and for the friendship that they have extended to me personally.

The President: I thank the Permanent Representative of Nepal for his kind words addressed to the Council, to me personally and to the members of the Council.

There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.